

## **F.R.Civ.P. 79. Records Kept by the Clerk**

### **LRCiv 79.1**

#### **CUSTODY AND DISPOSITION OF NON-ELECTRONICALLY SUBMITTED EXHIBITS, ADMINISTRATIVE RECORDS, AND SEALED DOCUMENTS**

**(a) Retention by Party or Attorney.** All non-electronically submitted exhibits offered by any party in civil or criminal proceedings, whether or not received as evidence, shall be retained after trial by the party or attorney offering the exhibits until time for appeal expires or the mandate on appeal issues, unless otherwise ordered by the Court. All non-electronically submitted administrative records offered by any party, whether or not received into evidence, in Social Security cases and other cases reviewed under the Administrative Procedure Act will be returned to the party or attorney when the time for appeal expires or the mandate on appeal issues, unless otherwise ordered by the Court.

**(b) Sensitive Exhibits.** Sensitive exhibits, whether or not received as evidence, shall remain in the custody of the arresting or investigating agency or its designee throughout the proceedings, unless otherwise ordered by the Court. Sensitive exhibits include drugs and drug paraphernalia, guns and other weapons, money, and any other exhibit designated as sensitive by the Court.

**(bc) Transmission on Appeal.** If requested by the Court of Appeals, each party or attorney is responsible for transmitting non-electronic exhibits to the appellate court as part of the record on appeal.

**(ed) Notice to Remove Non-electronically Submitted Exhibits and Administrative Records.** Upon thirty (30) days' notice, the Clerk may destroy or otherwise dispose of any non-electronically submitted exhibits or administrative records when the time for appeal expires or the mandate on appeal issues, unless otherwise ordered by the Court.

**(de) Sealed Documents – Search Warrants, Orders on Pen Registers, Orders on Trap and Trace Devices, and Mobile Tracking Device Warrants.** Unless otherwise ordered by the Court, any search warrant, order on pen register, order on trap

and trace device, or mobile tracking device warrant ordered sealed by a magistrate judge in a criminal matter on or after December 1, 2014, will be unsealed 180 days after the file date of the search warrant or the expiration date of the pen/trap order or tracking warrant. At least 60 days before the expiration of the sealing order, the Clerk of Court must notify the Criminal Chief at the Office of the United States Attorney, or designee, of the date when the documents will be unsealed. Before the expiration of the sealing order, the government may move the court to extend the sealing order. A motion to extend a sealing order may be filed ex parte. Documents that have been unsealed may be destroyed when eligible under the Records Disposition Schedule in the *Guide to Judiciary Policy*.